

REMARKS

In response to the Office Action dated December 12, 2007, claims 12, 15, 30, 39 and 46 have been amended. No new matter has been added. Reexamination and reconsideration of the claims as requested is respectfully requested.

In paragraph 9 on page 4 of the Office Action, the Examiner has indicated that claims 14-16, 33, 34, 49, 50, 52 and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In paragraph 3 on page 2 of the Office Action, claims 39-45 are rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which is regarded as the invention. The Applicants respectfully traverse this rejection, but have amended the application to overcome the objections. It is believed that all claims comply with 35 U.S.C. § 112.

In paragraph 5 on page 3 of the Office Action, claims 30, 35, 39, 40, 46 and 51 are rejected under 35 U.S.C. §102 (b) as being anticipated by Zoni 9US 4,884,313). The Applicant respectfully traverses this rejection, but has amended the application to overcome the objections.

In paragraph 8 on page 3 of the Office Action, claims 12, 13, 31, 32, 41-45, 47, 48 and 53 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marsiglio, et al. (US 4,421,228). The Applicants respectfully traverse this rejection, but have amended the application to overcome the objections.

The present amendment is submitted with a petition for suspension to allow for an in-person interview with the examiner. The undersigned is not resident in Washington and

the examiner may not be working from the Office. Therefore arranging a suitable time for interview may require additional time to accommodate both schedules.

Turning to the cited art, the examiner has been very helpful in annotating a drawing from the references, however on further inspection, a key element of the prior art cannot be found. The Zoni reference is asserted to show a cylinder and a locking mechanism. This is not the case. Zoni is largely devoid of disclosure beyond a schematic representation found in Fig. 1 where elements 55, 57, 58 and 59 comprise a tensioning mechanism. Nowhere is there a pressure responsive cylinder. Indeed, the examiner allowed claim 15 on that basis and this element has been incorporated in to claims 12, 30, 39 and 46, which should put them in condition for allowance along with their dependent claims.

The Marsiglio et al reference is cited, inter alia, various forms of tensioning means, including a locking mechanisms. In fact, this reference is not a teaching of a tensioning system. Rather, it is a periodic de-tensioning system. Note plate 70 with raised portion 70a. The lever 62 is periodically caused to reduce tension on the belt. See Col 3. lines 30+. The teaching of this reference does not help a person skilled in the art to design a tensioning system which maintains pressure on the conveyer, if applying the principles of Masiglio, the belt would be periodically untensioned. The claims call for a “maintaining tension in the chains”. De-tensioning would be highly destructive to this objective. In a street sweeper or other conveying system, loose chains are dangerous as they may fly off their sprockets. The teaching of Masiglio is useless to the critical function of the present invention

Consequently, the combination of references must fail to render the invention obvious.

The claimed invention further includes a feature already cited by the examiner as rendering claim 12 allowable and it has been added to the remaining independent claims. Claim 39 already includes a locking means which is completely missing from either prior art reference.

The allowability of the remaining dependent claims will be presented in the requested interview.

CONCLUSION

In view of the amendments and reasons provided above, it is believed that all pending claims are in condition for allowance. The amendments clarify the patentable invention without adding new subject matter. Applicant respectfully requests favorable reconsideration and early allowance of all pending claims.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney of record, Michael B. Lasky at 952 253 4106.

Respectfully submitted,
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